

5-2: RA-5 RESIDENTIAL AGRICULTURAL

A. DECLARATION OF LEGISLATIVE INTENT

The RA-5 Residential Agricultural Zone covers that portion of Utah County which historically has been utilized for the growing of crops and the raising of livestock. It includes that area of the county where the combination of soil quality, size of land parcel, availability and supply of water, and other natural and man-caused factors make the land most appropriately suited for agricultural use. Although the main thrust of the RA-5 zone is to protect the farming industry, certain non-farm uses and residences on lots large enough to preclude conflict with the surrounding farms are allowed in the zone.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the RA-5 Residential Agricultural Zone are:

1. To take advantage of the powers and more fully implement the basic purposes for planning and zoning set forth in Section 17-27-102 Utah Code Annotated 1953, and to implement the plans provided for in Section 17-27-301 of the said Code.
2. To preserve the county's agricultural land.
3. To foster and protect agro-industry and agricultural operations from adjacent antagonistic and incompatible land uses.
4. To coordinate development in a way that is economical for agriculture.
5. To stabilize and encourage the cultivation of crops and the raising and keeping of livestock and related uses within this zone.
6. To promote the conservation of water, land, and other resources.
7. To maintain a greenbelt around urban centers, insofar as possible, as a means of cleansing the atmosphere and the preservation of the quality living environment.
8. To avoid excessive costs for the public services which result from excessive scattering of urban uses.
9. To preserve and protect agricultural activities from the problems in residential areas by limiting residential developments.

The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

B. PERMITTED USES

The following buildings, structures, and uses of land shall be permitted in the RA-5 zone upon compliance with the standards and requirements as set forth in this ordinance:

1. The care and keeping of domestic livestock and fowl without restriction as to number; and barns, stables, corrals, feed yards, pens, coops, and other structures for the keeping of such livestock or fowl,

subject to the provisions of zoning section 3-19.

2. The raising of mink, beaver, nutria, and similar furbearing animals, and the pens and sheds used in the raising of such animals, subject to the provisions of zoning section 3-19.
3. The production of fruit and crops in the field, and packing plants for fruit and vegetables raised on the premise.
4. Buildings, silos, and other structures for the storage and keeping of farm products and farm machinery.
5. Buildings and facilities for the fabrication and portion control (killing, skinning, and meat cutting) of domestic livestock and poultry raised on the premise.
6. Dairy farms, including an office or an office structure for the exclusive use of a dairy operation on the same parcel, and buildings and facilities for the process and packaging of milk produced on the premise, subject to the provisions of zoning section 3-19.
7. Apiaries and establishments for extracting and processing honey.
8. Kennels.
9. Fish hatcheries and the raising of fish.
10. Forest and plant nurseries and greenhouses.
11. Incidental produce stands, and Farmers' Markets, subject to the provisions of zoning section 3-39.
12. Buildings and pens for the sale of domestic livestock and poultry, and fur-bearing animals, subject to the provisions of zoning section 3-19.
13. Buildings and facilities for a licensed veterinarian engaged in the practice of treating domestic livestock.
14. One-family dwellings and manufactured homes.
15. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant.
16. Family day-care centers, foster care homes and private preschools.
17. Residential facilities for persons with a disability and residential facilities for elderly persons, subject to the standards set forth in zoning sections 3-42 and 3-43, respectively.
18. Premises occupations, subject to the conditions set forth in zoning section 3-35.
19. Home occupations, subject to the conditions set forth in zoning section 3-36.

20. Churches and other structures for religious worship, and churches with a parsonage.
21. Public parks and historical monuments.
22. Landscape parks.
23. Botanical gardens and arboretums.
24. Man-made lakes, ponds, dams and other uncovered water impoundments if such are under ten (10) acre feet in capacity; and covered water tanks and reservoirs which do not extend over two (2) feet above natural grade.
25. Marinas, subject to the provisions of zoning section 3-40.
26. Fences, walls, and landscaping, subject to the conditions set forth in zoning sections 3-20 and 3-21.
27. Signs, subject to the provisions of zoning section 3-37.
- 27.1 A Cellular telephone, radio, television, or other microwave transmission facility which has a license from the Federal Communication or it's successor agency.
28. Oil, gas, and water wells, and appurtenant pumps and pumphouses.
29. Unlighted roping and riding arenas, and lighted arenas which are totally enclosed by the roof and walls of a farm building.
30. Windmills.
31. Short-term concrete and asphalt mixing plants, subject to the provisions of zoning section 3-38.
32. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:
 - a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.
 - b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of the governmental entity.
 - c. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.

C. PERMITTED CONDITIONAL USES

In the RA-5 zone the following buildings, structures, and uses of land shall not be permitted by the Zoning Administrator unless approval of a conditional use permit has been authorized in accordance with the zoning ordinance by the designated reviewing agency:

1. A man-made lake, pond, dam or other uncovered water reservoir over ten (10) acre feet in capacity, or a covered water tank or reservoir which extends over two (2) feet above natural grade, when such is

found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a special exception according to the provisions of zoning section 7-21.

2. A nursing home or residential treatment center which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21, and which meets the supplemental requirements of zoning section 3-57.

3. A preschool, or primary or secondary school which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21.

4. Deleted

5. A roping and riding arena which is lighted but not totally enclosed within a farm structure, when approved by the Board of Adjustment as a special exception according to the provisions of zoning section 7-21.

6. A water treatment plant or sewage treatment plant which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21.

7. A sand, gravel, clay or other earth-products pit (plus an accessory office structure or rock crusher on the same lot as the pit), which the Board of Adjustment has approved as a special exception according to the provisions of zoning sections 3-28 and 7-21.

8. A hunting preserve or shotgun shooting range (plus incidental accessory structures) which the Planning Commission has issued a conditional use permit according to the provisions of zoning section 7-24-D, subject to the applicant submitting a site plan and providing adequate evidence of safe setbacks, location, layout, noise reduction, and continuing management.

9. A helicopter pad, landing strip, flying field, or airport (including terminal and aircraft storage facilities) which the Planning Commission has issued a conditional use permit according to the provisions of zoning sections 3-46 and 7-24-D.

10. A public park facility which the Planning Commission has approved in a public park and issued a conditional use permit according to the provisions of zoning sections 3-48 and 7-24-D.

11. A landscape park recreational facility which the Planning Commission has approved in a landscape park and issued a conditional use permit according to the provisions of zoning sections 3-49 and 7-24-D.

12. A cemetery which has been granted a conditional use permit by the Planning Commission according to the provisions of zoning sections 3-52 and 7-24-D.

13. An electric power transmission line over 69 kv, but less than 345 kv capacity (and rights-of-way and substations) when granted a conditional use permit by the County Commission according to the provisions of zoning section 3-45.

14. A gas transmission line having a design pressure of 600 psi or more, or a pipe diameter of 16" or more (and rights-of-way and regulating stations) when granted a conditional use permit by the County Commission according to the provisions of zoning section 3-45.

15. A water transmission line having a capacity greater than 200 cubic feet per second (and rights-of-way) when granted a conditional use permit by the County Commission according to the provisions of zoning section 3-45.

16. A planned subdivision which has been granted a conditional use permit and plat approval by the County Commission according to the procedures and conditions set forth in zoning sections 6-1 and 6-3.

17. A construction equipment training facility (which may include a portable classroom structure), as an accessory use in conjunction with an existing approved sand, gravel, clay or other earth-products pit, when such training facility has been approved by the Board of Adjustment as a special exception [to be reviewed every five (5) years], according to the provisions of zoning Section 7-21, and for which a reclamation bond has been posted with Utah County by the pit operator or the construction equipment training facility operator according to the provisions of zoning Section 3-28-D to cover the designated area of the training facility and to assure compliance with zoning Section 3-28-C.

18. An agricultural accessory use for the production of value added agricultural products when approved by the Planning Commission as a conditional use, according to the provisions of zoning section 7-24-D, and when the Planning Commission finds that all of the following standards are met:

- a. The subject parcel of property (the "Property"), shall be located in an Agriculture Protection Area created under the authority of U.C.A. § 17-41-101, et. seq., 1953 as amended.
- b. The Property shall be no less than five (5) acres in area.
- c. The Property owner shall designate the specific agricultural product for which the value added use is requested (the "Pre-Value Added Product"), and shall designate the value added agricultural product which will be produced (the "Value Added Product").
- d. The area of the Property used for the value added agricultural use shall not exceed two and one-half (2 ½) acres, and the area of the Property devoted to the active agricultural production of the Pre-Value Added Product, shall not be less than fifty percent (50%) of the total area of the Property.
- e. The Value Added Product shall contain not less than fifty percent (50%), by weight, of the Pre-Value Added Product, as determined when the Value Added Product leaves the Property.
- f. Not less than fifty percent (50%) of the Pre-Value Added Product shall be grown or produced exclusively on the Property, or on the Property and on other property located in Utah County which

(i) either has identical ownership as the Property or is leased by a lessee which is identical to the ownership of the Property,

(ii) has a direct relationship to the total agricultural enterprise,

(iii) makes a significant contribution to the total production of the agricultural enterprise, and

(iv) is assessed under the Farmland Assessment Act, U.C.A. § 59-2-501, et. seq., 1953 as amended; provided that this fifty percent (50%) production requirement shall be determined by the production of each consecutive two(2) year period.

g. The Planning Commission may establish the maximum daily hours of operation of the agricultural accessory use, the permitted days of operation, the maximum noise levels as measured at any boundary of the Property, the maximum number and size of transport vehicles, required buffers, berms and/or visual barriers, dust control measures, odor control measures, traffic and road usage restrictions, and other items deemed appropriate by the Planning Commission to mitigate public health, safety, and welfare concerns, and such other items to address the standards of Zoning Section 7-24-D.

- h. Value added production processes which include the rendering of any animal, or animal product, shall not be permitted.
- i. The value added use shall be found to be compatible with both the existing residential uses and the potential future residential uses in the zone.
- j. Only the designated and approved Value-Added Product shall be produced.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the RA-5 zone shall be as follows:

1. Each one-family dwelling, mobile home, family day-care center, foster care home, youth group home, residential facility for handicapped persons, or residential facility for elderly persons, shall be on a lot containing at least five (5) acres of land.

However, without regard to the acreage requirement stated above, if the property is included in a recorded large-scale development plat, the minimum required area shall be the entire undivided lot or dwelling site as depicted on such plat.

2. Each nursing home or residential treatment center shall be located on a lot containing at least five (5) acres of land.
3. Each planned subdivision shall be located on a lot containing at least five (5) acres of land.
4. Each parcel resulting from the division of agricultural land for agricultural purposes under the exemption from the plat filing requirements, as provided pursuant to the provisions of Section 3-53-B-1 of the Utah County zoning Ordinance and Section 17-27-806(2) of the Utah Code Annotated, 1953 as amended, shall not be less than five (5) acres in area, as shown on the approved and recorded record of survey map.
5. Each church or other structure for religious worship shall be located on a lot containing at least two and one-half (2 ½) acres of land; each church with a parsonage shall be on a lot containing five (5) acres of land.
6. Each preschool, or primary or secondary school shall be located on a lot containing at least five (5) acres of land.
7. Each landscape park containing approved recreational facilities and each public park containing approved concessions or facilities shall be located on a lot containing at least five (5) acres of land.
8. Each governmental building and facility permitted according to the provisions of zoning section 5-2-B-33 shall be located on a lot containing at least five (5) acres of land.
9. For other permitted structures and uses, there shall be no minimum area requirement except as may be necessary to meet the other provisions of this ordinance.

E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the RA-5 zone shall be as follows:

1. For each one-family dwelling, mobile home, family day-care center, foster care home, residential facility for handicapped persons, or, residential facility for elderly persons, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

However, without regard to the 250-foot requirement stated above, if the property is included in a recorded large-scale development plat, the required width shall be the width of the undivided lot or building site as depicted on such plat.

2. For each nursing home or residential treatment center, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

3. For each church or other structure for public worship, or church with parsonage, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

4. For each preschool, or primary or secondary school, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

5. For each public park containing approved concessions or landscape park containing approved recreational facilities, the minimum width of the lot along the road frontage shall be two-hundred fifty (250) feet.

6. For each governmental building and facility permitted under zoning section 5-2-B-33, the minimum width of the lot along the road frontage shall be two hundred fifty (250) feet.

7. For other permitted uses and structures, there shall be no minimum width requirement, except as may be necessary to meet under other provisions of this ordinance.

F. LOCATION REQUIREMENTS

The minimum location requirements within the RA-5 zone shall be as follows:

1. Front Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of zoning sections 3-20, 3-21 and 3-44, shall have a front setback of at least thirty (30) feet, unless a greater setback is required by zoning section 3-16.

2. Side and Rear Setback

All buildings and structures, other than landscaping features and fences which meet the standards of zoning sections 3-20, 3-21 and 3-44 of this ordinance, shall have a side and rear setback of at least twenty-five (25) feet, unless a greater setback is required by zoning section 3-16.

Exception: the side setback may be reduced to ten (10) feet for a one-story accessory building which has a fire-resistive rating of one (1) hour or more, is not occupied by human beings, and is located at least fifty (50) feet from any dwelling and at least one hundred (100) feet from the nearest right-of-way line of any public street.

G. HEIGHT REQUIREMENTS

The height requirements within the RA-5 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as measured from the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

Exception 1: An antenna of a “stealth telecommunications transmission facility” which is attached to an existing pole of an electrical (or other utility) line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than 10 feet.

Exception 2: For large scale utility line structures, there shall be no maximum height.

Exception 3: Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a special exception granted according to the terms of zoning section 7-21.

Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

2. The minimum height of any dwelling shall be eight (8) feet above natural grade.

H. DWELLING SIZE AND PATTERN

For any one-family dwelling, manufactured home, or other building containing a dwelling unit permitted in the zone:

1. The combined minimum habitable floor area of a dwelling’s ground level story and any habitable stories above the ground level shall be not less than eleven-hundred (1100) square feet, excluding basements, crawl spaces, decks, patios, garages, unoccupied areas and non-habitable areas. For the purposes of this section, a story is deemed to be “ground level” or above if half or more of the distance between the floor and ceiling is elevated above the average grade of the ground surrounding the building. A “basement” is a story with half or more of the distance between the floor and ceiling below such average grade.

2. The roof shall have a slope of 2 to 12 or greater, shall have a nonreflective covering (exception: solar collection cells), and shall have eaves (including attached gutters) that extend at least six (6) inches beyond the walls.

3. The exterior siding material, other than windows and solar collection cells, shall be nonreflective.

I. SPECIAL REQUIREMENTS

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire or health hazard.

2. No occupied building for which the sewage or septic waste is disposed of in the soil shall be approved if the sewage disposal site has a slope exceeding thirty (30) percent.

3. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the

critical angle of repose of the soil or where the side slopes are too steep to become re-vegetated.

4. The grade of roads and driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent and the road shall be maintained so as to be readily accessible to emergency vehicles.

5. All land surface from which topsoil is removed and all land surface on which subsoil is deposited shall be covered by buildings, hard surfacing, or a layer of topsoil at least one inch in depth. In order to prevent the soil from eroding, it shall be re-seeded with plant material having sufficient concentration to screen at least twenty-five (25) percent of the exposed surface from view.

J. SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with the applicable requirements set forth in Chapter 3, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of the zoning ordinance.